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6 IN THE UNITED STATES DISTRICT COURT  
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8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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10 L. DORETTA KERL,

No. C 08-00970 WHA

11 Plaintiff,

12 v.

**CASE MANAGEMENT ORDER  
IN DENIAL-OF-BENEFITS  
ACTION UNDER ERISA**

13 AT&T UMBRELLA BENEFIT PLAN NO. 1,

14 Defendant.  
15 \_\_\_\_\_/

16 After a case management conference, the Court enters the following order pursuant to  
17 Rule 16 of the Federal Rules of Civil Procedure ("FRCP") and Civil Local Rule 16-10:

- 18 1. All initial disclosures under FRCP 26 must be completed by **MAY 30, 2008**, on pain of  
19 preclusion under FRCP 37(c).  
20 2. Leave to add any new parties or pleading amendments must be sought by  
21 **MAY 30, 2008**.  
22 3. This is an ERISA action challenging a denial of disability benefits. A threshold  
23 question is the extent to which the "administrative record" should be augmented  
24 and/or discovery allowed. To tee up this issue, the following procedure will be used.  
25 On **JULY 31, 2008**, defendant shall file the "administrative record" and its motion for  
26 summary judgment to be heard on a 35-day track. In this submission, please include a  
27 detailed declaration explaining what is and is not in the "administrative record" and the  
28 manner and guidelines by which it was compiled. Then, plaintiff's opposition and any


request for discovery shall be filed **THREE WEEKS** before the hearing with any reply thereto **TWO WEEKS** before the hearing. Reply declarations will be disfavored.

4. Depending on the outcome of the summary-judgment motion, this case may or may not proceed further. If it does, a further case management order will issue.

5. A further case management conference is set for **SEPTEMBER 25, 2008**, at **11:00 A.M.**

**IT IS SO ORDERED.**

Dated: May 22, 2008.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE